REMARKS

The Office Action dated July 13, 2001 in the parent application, wherein Claims 1-8, 10 and 13-15 were rejected, has been carefully considered. Claim 1 has been amended and new independent claim 16 has been added to further clarify the claimed invention. No new matter has been added herein.

Pending Claims

Claims 1-8, 10 and 13-16 are currently pending.

Rejection Under 35 U.S.C. §103(a)

The Official Action rejected claims 1-6, 9 and 13-15 under 35 U.S.C. §103 (a) as being unpatentable over *Olsen* U.S. Patent No. 5,591,150 (the '150 patent), and further in view of *Levesque* U.S. Patent No. 3,838,692 (the '692 patent). The '150 patent discloses a sanitary napkin having resilient body-conforming portions which continually adjust to a user during use. Col. 1 lines 31-35. The '150 patent teaches the formation of a resilient body-conforming component having a curved resilient insert 44 which adapts to the shape of the body of a wearer and a method of constructing the curved resilient insert. Col 9 lines 57-59; Col. 10 lines 2-3; and Col. 18, line 12 through Col. 20 line 4. The '150 patent also teaches a disposable absorbent article 20 having a topsheet 38 which minimizes the passage of liquids back through thc topsheet thereby minimizing rewetting tbe skin of a wearer.

Col. 7, lines 36-39. An absorbent core 42 positioned between the topsheet and a backsheet 40 absorbs exudates passing through the topsheet. Col. 8, lines 24-27. The backsheet prevents the exudates absorbed by the absorbent core from wetting articles which contact the disposable absorbent article, such as clothing.

The Official Action also cites the '692 patent which discloses a hydrophobic sheet having a hydrophobic material with hydrophilic passages disposed therein. Col. 1, lines 4-5. The hydrophobic sheet is primarily a surface hydrophobic material that includes a small portion of hydrophilic passageways extending inwardly of the surface. Col 2, lines 62-66. The hydrophilic passages allow the passage of liquids through the material and into an absorbent substrate. Col. 3 lines 1-2. In addition, the '692 patent teaches **avoiding** contact between the skin of the wearer and a wet portion of the liner. Col. 1, lines 28-31. Likewise, the '692 patent teaches as an advantage that the invention of the '692 patent **substantially minimizes an area of the body of the wearer in contact with wet or moistened material,** thereby reducing the possibility of skin irritation. Col. 2, lines 53-59 and Col. 7, lines 22-26.

As amended, independent claim 1 claims an absorbent article which maintains the mucous membranes of a user moist. The absorbent article includes a liquid-pervious layer, a liquid-impervious layer and an absorbent body between the two surface layers. The article also includes a wetting region which is adjacent the mucous membrane of the user. In addition, the liquid pervious layer within the wetting region is adapted to retain moisture in order to maintain the mucous membranes of the user moist.

Neither the '150 patent nor the '692 patent disclose an absorbent article which is intended to, or in fact, which maintains the mucus membrane of a user moist, as claimed in independent claim 1. Both the '150 patent and the '692 patent teach minimizing contact between the skin of a wearer and liquids absorbed by the articles disclosed therein. While the '150 patent discloses having a hydrophillic topsheet, the patent states that the purpose is to allow liquids to transfer through the topsheet faster. See column 7, lines 52-54. The '150 patent thus teaches away from a wetting region adjacent the mucous membranes of a user in order to maintain the mucous membranes moist as claimed in independent claim 1. The hydrophilic passageways disclosed in the '692 patent also transmit liquids away from the wearer and into an absorbent substrate which is distanced from the skin of the wearer. The hydrophilic passageways are not configured to maintain the mucus membrane of a user moist as currently claimed in independent claim 1. The Applicant respectfully submits that neither the '150 patent nor the '692 patent, either singularly or in combination, disclose each and every element as currently claimed in amended independent claim 1, namely a wetting region which maintains the mucous membrane of a user moist. As such, the Applicant believes that claims 1-6, 9 and 13-15 overcome the rejection under 35 U.S.C. §103 (a) as being unpatentable over the '150 patent, and further in view of the '692 patent and the rejection be withdrawn.

Independent claim 16 claims a method for maintaining a mucous membrane of a user moist with an absorbent article. The absorbent article includes a liquid pervious layer having a wetting region and a liquid impervious layer with an absorbent body disposed between the liquid pervious layer and the liquid impervious layer. The method comprises

wearing the absorbent article such that the wetting region is adjacent the mucous membrane of the user and then receiving body fluids emitted from the user by the wetting region. A hydrophilic material disposed on the wetting region maintains the mucous membrane of the wearer moist during use of the absorbent article.

Neither the '150 patent nor the '692 patent teach or suggest a method for maintaining the mucous membrane of a user moist during use of an absorbent article, as claimed in independent claim 16. Instead, both the '150 patent and the '692 patent teach an apparatus which minimizes contact between the skin of a wearer and liquids absorbed by the articles disclosed therein, the opposite of maintaining a mucous membrane of a user moist, as claimed in new independent claim 16.

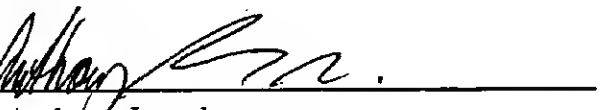
The Applicant respectfully submits that neither the '150 patent nor the '692 patent, either singularly or in combination, disclose each and every element as currently claimed in new independent claim 16. As such, the Applicant believes that independent claim 16 is patentable over the '150 patent and further in view of the '692.

CONCLUSION

For all of the above reasons, the Applicant respectfully submits that the pending claims positively recite structure not disclosed, described, or suggested by any of the prior art of record. The Examiner is urged to allow the claims and pass the application to issue. Moreover, the Applicant respectfully requests the opportunity to meet with Examiner to further discuss the currently pending application. As such, the Examiner is invited to contact the representative of the Applicant at the number listed below should the Examiner have any questions.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: 

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Date: December 14, 2001

Attachment to Amendment dated December 14, 2001
Containing bracketing & underling indicating amendments to claims

1. (Twice Amended) Absorbent article for maintaining mucous membranes of a user moist, the absorbent article comprising:

a liquid-pervious surface layer,

a liquid-impervious surface layer, and

an absorbent body enclosed between the two surface layers,

wherein the article further exhibits a wetting region adapted to be disposed adjacent the mucous membranes of the user, which is the region of the liquid-pervious surface layer which is intended to first be wetted by body fluid emitted to the article,

wherein the liquid-pervious surface layer within the wetting region is constituted of hydrophilic absorbent material that is adapted to retain moisture, at least at the surface of the liquid-pervious surface layer which is intended to be facing the user during use so as to maintain the mucous membranes of the user moist, and that remaining parts of the liquid-pervious surface layer are constituted of a hydrophobic material.